

Senate Bill 480

By: Senators Unterman of the 45th, Thomas of the 54th and Goggans of the 7th

AS PASSED

AN ACT

To amend Chapter 26 of Title 43 of the Official Code of Georgia Annotated, relating to nurses, so as to provide for the certification of qualified medication aides; to provide for a short title; to provide legislative findings; to provide for definitions; to provide for the delegation of certain nursing tasks; to provide for powers and responsibilities of the Georgia Board of Examiners of Licensed Practical Nurses; to provide for certification standards and requirements; to provide for the issuance and renewal of certificates; to provide for permitted and prohibited activities; to provide for requirements of community living arrangements which utilize qualified medication aides; to provide for sanctions; to provide for construction; to provide for automatic repeal; to amend Code Section 16-13-21 of the Official Code of Georgia Annotated, relating to definitions relative to regulation of controlled substances, so as to revise the definition of "practitioner"; to amend Chapter 26 of Title 43 of the Official Code of Georgia Annotated, relating to nurses, so as to provide for a definition; to provide for enactment of rules and regulations affecting advanced practice registered nurses; to change certain provisions relating to the use of a title by a licensed registered nurse or applicant; to provide for a change in certain prohibited activities; to provide for certain information given to the board by licensees; to change a provision relating to a Drug Enforcement Administration license applicability to nurses and physician's assistants; to amend Article 2 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to the physicians, so as to provide for a physician to delegate certain medical acts to allow an advanced practice registered nurse to issue prescription drug orders and provide professional samples, order diagnostic studies, medical devices, and in certain life-threatening situations to order radiographic imaging; to provide for construction and limitations related to such delegation; to provide for definitions; to provide for the conditions of a nurse protocol agreement; to provide for execution of prescription drug orders; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 26 of Title 43 of the Official Code of Georgia Annotated, relating to nurses, is amended by adding a new article to read as follows:

"ARTICLE 3

43-26-50.

This article shall be known and may be cited as the 'Georgia Qualified Medication Aide Act.'

43-26-51.

The purpose of this article is to protect, promote, and preserve the public health, safety, and welfare through the delegation of certain activities performed by registered professional nurses and licensed practical nurses to persons who are certified as qualified medication aides and who are employed by and working in community living arrangements established by the Department of Human Resources pursuant to paragraphs (15) and (16) of subsection (b) of Code Section 37-1-20.

43-26-52.

As used in this article, the term:

(1) 'Applicant' means any person seeking certification under this article.

(2) 'Board' means the Georgia Board of Examiners of Licensed Practical Nurses established pursuant to Article 2 of this chapter.

(3) 'Community living arrangement' means any residence, whether operated for profit or not for profit, which undertakes through its ownership or management to provide or arrange for the provision of daily personal services, support, care, or treatment exclusively for two or more adults who are not related to the owner or administrator by blood or marriage which is established by the Department of Human Resources pursuant to paragraph (16) of subsection (b) of Code Section 37-1-20 and whose services are financially supported, in whole or part, by funds authorized through the Division of Mental Health, Developmental Disabilities, and Addictive Diseases of the Department

1 of Human Resources. A community living arrangement is also referred to as a
2 'residence.'

3 (4) 'Licensed practical nurse' means an individual who is licensed to practice nursing
4 under Article 2 of this chapter.

5 (5) 'Medication administration record' means a written record of medication ordered for
6 and received by a resident of a community living arrangement.

7 (6) 'Qualified medication aide' means a person who meets the qualifications specified in
8 this article and who is currently certified by the board.

9 (7) 'Physician' means an individual who is licensed to practice medicine under Article
10 2 of Chapter 34 of this title.

11 (8) 'Registered professional nurse' means an individual who is licensed to practice
12 nursing under Article 1 of this chapter.

13 (9) 'Resident' means an individual in a community living arrangement.

14 (10) 'Supervising nurse' means the registered professional nurse who is responsible for
15 the supervision of a qualified medication aide in a community living arrangement.

16 (11) 'Supervision' means initial and ongoing direction, procedural guidance, and
17 observation and evaluation of the qualified medication aide by a registered professional
18 nurse.

19 43-26-53.

20 (a) A registered professional nurse or a licensed practical nurse may delegate certain
21 nursing tasks, as set out in Code Section 43-26-56, to no more than 15 qualified medication
22 aides who are working at and employed by community living arrangements.

23 (b) Certification as a qualified medication aide by the board shall constitute a presumption
24 that the qualified medication aide has acquired the necessary knowledge, skills, and
25 experience to perform the delegated nursing task with reasonable skill and safety upon the
26 residents of community living arrangements. The presumption may be overcome or
27 rebutted by evidence to the contrary, including, but not limited to, the determination that
28 deceptive or fraudulent information was used to obtain certification as a qualified
29 medication aide.

30 43-26-54.

31 The board shall have the power and responsibility to:

- (1) Determine the qualifications and fitness of applicants for certification as a qualified medication aide and renewal of the certificate;
- (2) Adopt rules and regulations consistent with this article necessary to enable it to carry into effect the provisions of this article, including disciplinary rules;
- (3) Examine for, approve, issue, deny, revoke, suspend, and renew the certification of qualified medication aide certificate holders and applicants under this article;
- (4) Conduct hearings in accordance with the Georgia Administrative Procedure Act regarding the regulation and enforcement of this article;
- (5) Regulate the acts and practices that are allowed or prohibited for qualified medication aides, in accordance with the provisions of this article;
- (6) Establish application, examination, and certification fees;
- (7) Establish requirements for the education and training of qualified medication aides;
- and
- (8) Establish continuing education requirements.

43-26-55.

(a) The board shall receive applications for certification to be qualified medication aides in Georgia. Each applicant shall meet the following qualifications:

- (1) Be at least 18 years of age;
- (2) Be able to read, write, speak, and understand the English language;
- (3) Have attained a high school diploma or a general educational development (GED) diploma or the equivalent thereof;
- (4) Have satisfactory results from a fingerprint record check report conducted by the Georgia Crime Information Center, as determined by the board. Application for a certificate under this Code section shall constitute consent for performance of a criminal background check. Each applicant who submits an application to the board for certification agrees to provide the board with any and all information necessary to run a criminal background check, including, but not limited to, classifiable sets of fingerprints. The applicant shall be responsible for all fees associated with the performance of a background check;
- (5) Have completed a prescribed course of study in a qualified medication aide program conducted by the Department of Technical and Adult Education;
- (6) Have successfully passed a board approved or administered competency exam for qualified medication aides; and

(7) Have met such other requirements as may be prescribed by the board.

(b) Each qualified medication aide shall, in order to maintain certification, work under the supervision of a registered professional nurse.

(c) Certificates issued under this article shall be renewed biennially according to schedules and fees approved by the board.

43-26-56.

(a) The following tasks are permitted activities that may be delegated to a qualified medication aide under supervision and are subject to the rules and regulations promulgated by the board:

(1) Administer physician ordered oral, ophthalmic, topical, otic, nasal, vaginal, and rectal medications and medications by gastric ('G' or 'J') tube;

(2) Administer insulin under physician direction and protocol;

(3) Administer medication via metered dose inhaler;

(4) Conduct finger stick blood glucose testing following established protocol;

(5) Administer commercially prepared disposable enema as ordered by a physician;

(6) Administer treatment for skin conditions, including stage I and II decubitus ulcers, following a designated protocol;

(7) Assist residents in supervised self-administration of medication;

(8) Record in the medication administration record all medications that the qualified medication aide has personally administered, including a resident's refusal to take medication; and

(9) Observe and report to the supervising nurse any changes in the resident's condition.

(b) The board shall promulgate rules and regulations regarding the activities permitted by this Code section and any other permitted activities, as determined by the board, and those activities that the supervising nurse is prohibited from delegating to a qualified medication aide and that the qualified medication aide is prohibited from performing.

43-26-57.

A community living arrangement which utilizes the services of a qualified medication aide shall employ or contract with a registered professional nurse who has responsibility for the supervision of the qualified medication aide. A registered professional nurse under discipline, sanction, or restriction by the Georgia Board of Nursing shall not provide supervision for a qualified medication aide.

1 43-26-58.

2 (a) The board shall have the authority to refuse to grant or to renew a certificate to an
3 applicant, to revoke the certificate of a certificate holder, or to discipline a certificate holder
4 upon a finding by the board that the applicant or certificate holder has:

5 (1) Been convicted of a felony, a crime involving moral turpitude, or any crime violating
6 a federal or state law relating to controlled substances or dangerous drugs or marijuana
7 in the courts of this state, any other state, territory, or country, or in the courts of the
8 United States, including, but not limited to, a plea of nolo contendere entered to the
9 charge, the granting of first offender treatment without adjudication of guilt, or the
10 withholding of adjudication of guilt on the charges or crime;

11 (2) Had a certificate to practice as a qualified medication aide revoked, suspended, or
12 annulled by any lawful certifying authority of any state or county, had other
13 disciplinary action taken by any lawful certifying authority for any certification or
14 licensure to practice a business or profession, including refusal of certification or
15 licensure, or was denied a certificate by any lawful certifying authority;

16 (3) Engaged in any unprofessional, unethical, deceptive, or deleterious conduct or
17 practice harmful to the public, which conduct or practice need not have resulted in actual
18 injury to any person. As used in this paragraph, the term 'unprofessional conduct'
19 includes any departure from, or the failure to conform to, the minimum standards of
20 acceptable and prevailing practice as a qualified medication aide;

21 (4) Violated or attempted to violate a law or any lawfully promulgated rule or regulation
22 of the board, this state, any other state, the United States, or any other lawful authority,
23 without regard to whether the violation is criminally punishable, which statute, law, or
24 rule or regulation relates to or in part regulates the practice of a qualified medication aide,
25 when the qualified medication aide or applicant knows or should have known that such
26 action violates such law or rule or regulation;

27 (5) Violated a lawful order of the board previously entered by the board or the order of
28 any certifying or licensing authority; or

29 (6) Displayed an inability to practice as a qualified medication aide with reasonable skill
30 and safety due to illness; use of alcohol, drugs, narcotics, chemicals, or any other types
31 of material; or as a result of any mental or physical condition.

32 (A) In enforcement of this paragraph, the board may, upon reasonable grounds, require
33 a certificate holder or applicant to submit to a mental or physical examination by a
34 board approved health care professional. The expense of such mental or physical

1 examination shall be borne by the certificate holder or applicant. The results of such
2 examination shall be admissible in any hearing before the board, notwithstanding any
3 claim of privilege under contrary law or rule. Every certificate holder and applicant
4 shall be deemed to have given such person's consent to submit to such mental or
5 physical examination and to have waived all objections to the admissibility of the
6 results in any hearing before the board upon the grounds that the same constitutes a
7 privileged communication. If a certificate holder or applicant fails to submit to such
8 an examination when properly directed to do so by the board, unless such failure was
9 due to circumstances beyond that person's control, the board may enter a final order
10 upon proper notice, hearing, and proof of such refusal. Any certificate holder or
11 applicant who is prohibited from practicing under this paragraph shall at reasonable
12 intervals be afforded an opportunity to demonstrate to the board that such person can
13 resume or begin to practice as a qualified medication aide with reasonable skill and
14 safety.

15 (B) In enforcement of this paragraph, the board may, upon reasonable grounds, obtain
16 any and all records relating to the mental or physical condition of a certificate holder
17 or applicant, including psychiatric records; such records shall be admissible in any
18 hearing before the board, notwithstanding any privilege under a contrary law or rule.
19 Every person who is certificated in this state or who shall file an application for said
20 certificate shall be deemed to have given such person's consent to the board's obtaining
21 such records and to have waived all objections to the admissibility of such records in
22 any hearing before the board upon the grounds that the same constitute a privileged
23 communication.

24 (b) Neither denial of an initial certificate, the issuance of a private reprimand, nor the
25 denial of a request for reinstatement of a certificate on the grounds that the certificate
26 holder or applicant has failed to meet the minimum requirements shall be considered a
27 contested case within the meaning of Chapter 13 of Title 50, the 'Georgia Administrative
28 Procedure Act'; and notice and hearing within the meaning of Chapter 13 of Title 50 shall
29 not be required, but the certificate holder or applicant shall be allowed to appear before the
30 board if he or she so requests.

31 43-26-59.

(a) Nothing in this article shall be construed to limit or repeal Articles 1 and 2 of this chapter, relating to registered professional nurses and licensed practical nurses, respectively.

(b) Nothing in this article shall be construed to limit or repeal any existing authority of a physician to delegate to a qualified person any acts, duties, or functions which are otherwise permitted by law or established by custom.

43-26-60.

This article shall be repealed in its entirety on July 1, 2011."

SECTION 2.

Code Section 16-13-21 of the Official Code of Georgia Annotated, relating to definitions relative to regulation of controlled substances, is amended by striking paragraph (23) and inserting in its place the following:

"(23) 'Practitioner' means:

(A) A physician, dentist, pharmacist, podiatrist, veterinarian, scientific investigator, or other person licensed, registered, or otherwise authorized under the laws of this state to distribute, dispense, conduct research with respect to, or to administer a controlled substance in the course of professional practice or research in this state;

(B) A pharmacy, hospital, or other institution licensed, registered, or otherwise authorized by law to distribute, dispense, conduct research with respect to, or to administer a controlled substance in the course of professional practice or research in this state;

(C) An advanced practice registered nurse acting pursuant to the authority of Code Section 43-34-26.3. For purposes of this chapter and Code Section 43-34-26.3, an advanced practice registered nurse is authorized to register with the federal Drug Enforcement Administration and appropriate state authorities; or

(D) A physician's assistant acting pursuant to the authority of subsection (e.1) of Code Section 43-34-103. For purposes of this chapter and subsection (e.1) of Code Section 43-34-103, a physician's assistant is authorized to register with the federal Drug Enforcement Administration and appropriate state authorities."

SECTION 3.

Chapter 26 of Title 43 of the Official Code of Georgia Annotated, relating to nurses, is amended by adding a new paragraph to Code Section 43-26-3, relating to definitions, to read as follows:

"(1.1) 'Advanced practice registered nurse' means a registered professional nurse licensed under this chapter who is recognized by the board as having met the requirements established by the board to engage in advanced nursing practice and who holds a master's degree or other graduate degree approved by the board and national board certification in his or her area of speciality, or a person who was recognized as an advanced practice registered nurse by the board on or before June 30, 2006."

SECTION 4.

Said chapter is further amended by striking paragraph (12) of subsection (a) of Code Section 43-26-5, relating to general powers of the board, and inserting in lieu thereof the following:

"(12) Be authorized to enact rules and regulations for registered professional nurses in their performing acts under a nurse protocol as authorized in Code Section 43-34-26.1 and enact rules and regulations for advanced practice registered nurses in performing acts as authorized in Code Section 43-34-26.3;"

SECTION 5.

Said chapter is further amended by striking subsections (a) and (d) of Code Section 43-26-6, relating to use of title by licensed registered nurses or applicant, and inserting in lieu thereof the following:

"(a) Any person who is licensed as a registered professional nurse shall have the right to use the title 'registered professional nurse' and the abbreviation 'R.N.' Any person recognized by the board as an advanced practice registered nurse shall have the right to use the title 'advanced practice registered nurse' and the abbreviation 'A.P.R.N.' No other person shall assume such titles or use such abbreviations or any other words, letters, signs, or symbols to indicate that such person is a registered professional nurse or an advanced practice registered nurse in Georgia. Nothing in this subsection shall be construed to repeal the right of any person who is licensed as a registered professional nurse or recognized by the board as an advanced practice registered nurse on June 30, 2006, to be licensed and to

1 use the title 'registered professional nurse' or to use the title 'advanced practice registered
2 nurse,' respectively."

3 "(d) Any person who is licensed as a registered professional nurse shall identify that he or
4 she is so licensed by displaying either the title 'registered professional nurse' or 'registered
5 nurse,' the abbreviation 'R.N.,' the title 'advanced practice registered nurse,' or the
6 abbreviation 'A.P.R.N.' on a name tag or other similar form of identification during times
7 when such person is providing direct patient care."

8 **SECTION 6.**

9 Said chapter is further amended by striking paragraph (4) of Code Section 43-26-10, relating
10 to the prohibition of practicing as a registered professional nurse without a license, and
11 inserting in lieu thereof the following:

12 "(4) Use any words, abbreviations, figures, letters, title, sign, card, or device implying
13 that such person is a registered professional nurse or advanced practice registered nurse
14 unless such person is duly licensed or recognized by the board so to practice under the
15 provisions of this article;"

16 **SECTION 7.**

17 Said chapter is further amended by adding a new Code Section 43-26-13 to read as follows:

18 "43-26-13.

19 A licensee may, in lieu of providing his or her home address, provide the board a legitimate
20 business address for purposes of the public information made available by the board with
21 regard to licensed registered professional nurses."

22 **SECTION 8.**

23 Article 2 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to
24 physicians, is amended by striking subsection (g) of Code section 43-34-26.1, relating to
25 delegation of authority to a nurse or physician's assistant, and inserting in lieu thereof the
26 following:

27 "(g) Nothing in this Code section shall be construed to authorize or permit the issuance of
28 a Drug Enforcement Administration license to a nurse who is not an advanced practice
29 registered nurse."

30 **SECTION 9.**

1 Said article is further amended by adding a new Code Section 43-34-26.3 to read as follows:

2 "43-34-26.3.

3 (a) As used in this Code section, the term:

4 (1) 'Advanced practice registered nurse' shall have the same meaning as provided in
5 paragraph (1.1) of Code Section 43-26-3.

6 (2) 'Birthing center' means a facility or building where human births occur on a regular
7 or ongoing basis and which is classified by the Department of Human Resources as a
8 birthing center.

9 (3) 'Controlled substance' means any controlled substance as defined in Code Section
10 16-13-21 but shall not include any Schedule I controlled substance included in Code
11 Section 16-13-25 or any Schedule II controlled substance included in Code Section
12 16-13-26.

13 (4) 'Dangerous drug' means any dangerous drug as defined in Code Section 16-13-71.

14 (5) 'Delegating physician' means a physician who has entered into a nurse protocol
15 agreement pursuant to this Code section.

16 (6) 'Diagnostic study' means a laboratory test, X-ray, ultrasound, or procedure used to
17 identify a characteristic or distinguishing feature of a particular disease or condition.

18 (7) 'Drug' means any dangerous drug or controlled substance.

19 (8) 'Free health clinic' shall have the same meaning as provided in Code Section
20 51-1-29.4.

21 (9) 'Life threatening' means an emergency situation in which a patient's life or physical
22 well-being will be harmed if certain testing is not performed immediately.

23 (10) 'Nurse protocol agreement' means a written document mutually agreed upon and
24 signed by an advanced practice registered nurse and a physician, by which document the
25 physician delegates to that advanced practice registered nurse the authority to perform
26 certain medical acts pursuant to this Code section, and which acts may include, without
27 being limited to, the ordering of drugs, medical devices, medical treatments, diagnostic
28 studies, or in life-threatening situations radiographic imaging tests. Such agreements
29 shall conform to the provisions set forth in subsection (c) of this Code section.

30 (11) 'Order' means to prescribe pursuant to a nurse protocol agreement which drug,
31 medical device, medical treatment, diagnostic study, or in life-threatening situations
32 radiographic imaging test is appropriate for a patient and to communicate the same in
33 writing, orally, via facsimile, or electronically.

34 (12) 'Physician' means a person licensed to practice medicine under this chapter and:

1 (A) Whose principal place of practice is within this state; or

2 (B) Whose principal place of practice is outside this state but is within 50 miles from
3 the location where the nurse protocol agreement is being utilized within this state.

4 (13) 'Prescription drug order' means a written or oral order of an advanced practice
5 registered nurse for a drug or medical device for a specific patient. Such term includes
6 an electronic visual image prescription drug order and an electronic data prescription drug
7 order.

8 (14) 'Professional sample' means a complimentary dose of a drug, medication,
9 medication voucher, or medical device provided by the manufacturer for use in patient
10 care.

11 (15) 'Radiographic imaging test' means a computed tomography, magnetic resonance
12 imaging, positron emission tomography, or nuclear medicine.

13 (b) In addition to and without limiting the authority granted pursuant to Code Section
14 43-34-26.1, a physician may delegate to an advanced practice registered nurse in
15 accordance with a nurse protocol agreement the authority to order drugs, medical devices,
16 medical treatments, diagnostic studies or in life-threatening situations radiographic imaging
17 tests.

18 (c) A nurse protocol agreement between a physician and an advanced practice registered
19 nurse pursuant to this Code section shall:

20 (1) Be between an advanced practice registered nurse who is in a comparable specialty
21 area or field as that of the delegating physician;

22 (2) Contain a provision for immediate consultation between the advanced practice
23 registered nurse and the delegating physician; if the delegating physician is not available,
24 the delegating physician for purposes of consultation may designate another physician
25 who concurs with the terms of the nurse protocol agreement;

26 (3) Identify the parameters under which delegated acts may be performed by the
27 advanced practice registered nurse, including without limitation the number of refills
28 which may be ordered, the kinds of diagnostic studies which may be ordered, the extent
29 to which radiographic image tests may be ordered, and the circumstances under which a
30 prescription drug order may be executed. In the event the delegating physician authorizes
31 the advanced practice registered nurse to order an X-ray, ultrasound, or radiographic
32 imaging test, the nurse protocol agreement shall contain provisions whereby such X-ray,
33 ultrasound, or radiographic imaging test shall be read and interpreted by a physician who
34 is trained in the reading and interpretation of such tests; a report of such X-ray,

1 ultrasound, or radiographic imaging test may be reviewed by the advanced practice
2 registered nurse; and a copy of such report shall be forwarded to the delegating physician,
3 except that such provision for an ultrasound shall not be required for an advanced practice
4 registered nurse acting within his or her scope of practice as authorized by Code Sections
5 43-26-3 and 43-26-5.

6 (4) Require documentation either in writing or by electronic means or other medium by
7 the advanced practice registered nurse of those acts performed by the advanced practice
8 registered nurse which are specific to the medical acts authorized by the delegating
9 physician;

10 (5) Include a schedule for periodic review by the delegating physician of patient records.
11 Such patient records review may be achieved with a sampling of such records as
12 determined by the delegating physician;

13 (6) Provide for patient evaluation or follow-up examination by the delegating physician
14 or other physician designated by the delegating physician pursuant to paragraph (2) of this
15 subsection, with the frequency of such evaluation or follow-up examination based on the
16 nature, extent, and scope of the delegated act or acts as determined by the delegating
17 physician in accordance with paragraph (3) of this subsection and accepted standards of
18 medical practice as determined by the board;

19 (7) Be reviewed, revised, or updated annually by the delegating physician and the
20 advanced practice registered nurse;

21 (8) Be available for review upon written request to the advanced practice registered nurse
22 by the Georgia Board of Nursing or to the physician by the board; and

23 (9) Provide that a patient who receives a prescription drug order for any controlled
24 substance pursuant to a nurse protocol agreement shall be evaluated or examined by the
25 delegating physician or other physician designated by the delegating physician pursuant
26 to paragraph (2) of this subsection on at least a quarterly basis or at a more frequent
27 interval as determined by the board.

28 (d) A written prescription drug order issued pursuant to this Code section shall be signed
29 by the advanced practice registered nurse and shall be on a form which shall include,
30 without limitation, the names of the advanced practice registered nurse and delegating
31 physician who are parties to the nurse protocol agreement, the patient's name and address,
32 the drug or device ordered, directions with regard to the taking and dosage of the drug or
33 use of the device, and the number of refills. A prescription drug order which is transmitted

1 either electronically or via facsimile shall conform to the requirements set out in paragraphs
2 (1) and (2) of subsection (c) of Code Section 26-4-80, respectively.

3 (e) An advanced practice registered nurse may be authorized under a nurse protocol
4 agreement to request, receive, and sign for professional samples and may distribute
5 professional samples to patients. The office or facility at which the advanced practice
6 registered nurse is working shall maintain a list of the professional samples approved by
7 the delegating physician for request, receipt, and distribution by the advanced practice
8 registered nurse as well as a complete list of the specific number and dosage of each
9 professional sample and medication voucher received and dispensed. In addition to the
10 requirements of this Code section, all professional samples shall be maintained as required
11 by applicable state and federal laws and regulations.

12 (f) A managed care system, health plan, hospital, insurance company, or other similar
13 entity shall not require a physician or advanced practice registered nurse to be a party to a
14 nurse protocol agreement as a condition for participation in or reimbursement from such
15 entity.

16 (g) A delegating physician may not enter into a nurse protocol agreement pursuant to this
17 Code section with more than four advanced practice registered nurses at any one time,
18 except this limitation shall not apply to an advanced practice registered nurse that is
19 practicing:

20 (1) In a hospital licensed under Title 31;

21 (2) In any college or university as defined in Code Section 20-8-1;

22 (3) In the Department of Human Resources;

23 (4) In any county board of health;

24 (5) In any free health clinic;

25 (6) In a birthing center;

26 (7) In any entity:

27 (A) Which is exempt from federal taxes pursuant to Section 501(c)(3) of the Internal
28 Revenue Code, as defined in Code Section 48-1-2, and primarily serves uninsured or
29 indigent Medicaid and medicare patients; or

30 (B) Which has been established under the authority of or is receiving funds pursuant
31 to 42 U.S.C. Section 254b or 254c of the United States Public Health Service Act;

32 (8) In any local board of education which has a school nurse program; or

1 (9) In a health maintenance organization that has an exclusive contract with a medical
2 group practice and arranges for the provision of substantially all physician services to
3 enrollees in health benefits of the health maintenance organization.

4 (h) Nothing in this Code section shall be construed to create a presumption of liability,
5 either civil or criminal, on the part of a pharmacist duly licensed under Chapter 4 of Title
6 26 who, in good faith, fills a prescription drug order of an advanced practice registered
7 nurse issued pursuant to a nurse protocol agreement.

8 (i) Nothing in this Code section shall be construed to apply to the practice of a certified
9 registered nurse anesthetist.

10 (j) Nothing in this Code section shall be construed to require an advanced practice
11 registered nurse to be a party to a nurse protocol agreement in order to practice as a
12 registered professional nurse or an advanced practice registered nurse as otherwise
13 permitted by Article 1 of Chapter 26 of this title.

14 (k) Nothing in this Code section shall be construed to authorize an advanced practice
15 registered nurse to issue a prescription drug order for a Schedule I or II controlled
16 substance or authorize refills of any drug for more than 12 months from the date of the
17 original order except in the case of oral contraceptives, hormone replacement therapy, or
18 prenatal vitamins which may be refilled for a period of 24 months.

19 (l) Nothing in this Code section shall be construed to allow an advanced practice registered
20 nurse to perform an abortion or to administer, prescribe, or issue a drug order that is
21 intended to cause an abortion to occur pharmacologically.

22 (m) The board shall have the authority to promulgate rules and regulations governing a
23 delegating physician in order to carry out the intents and purposes of this Code section.

24 Further, the board shall be authorized to:

25 (1) Require that a nurse protocol agreement shall be filed by the delegating physician
26 with the board within a reasonable time from the date of execution;

27 (2) Determine, after review of a filed nurse protocol agreement, if such nurse protocol
28 agreement fails to meet accepted standards of medical practice as established by the
29 board; and

30 (3) Require the delegating physician to amend any such noncompliant nurse protocol
31 agreement in order to meet such accepted standards.

32 (n) Except for practice settings identified in paragraph (7) of subsection (g) of this Code
33 section, it shall be unlawful for a physician to be an employee of an advanced practice
34 registered nurse, alone or in combination with others, if the physician is required to

1 supervise the employing advanced practice registered nurse. Such conduct shall be subject
2 to sanctions by the Georgia Board of Nursing as to the advanced practice registered nurse
3 and the board as to the physician."

4 **SECTION 10.**

5 All laws and parts of laws in conflict with this Act are repealed.